

NO. 0752 P. 1

PTO/SB/97 (01-08)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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on May 7, 2008
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Ans F. Goyette
Signature

Signature

Ann F. Griffith

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Registration Number, if applicable

Telephone Number

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10/602216

AD6892USNA

Affidavit of Arne R. Jamholm

Notice of Abandonment

Official Filing Receipt

Transmittal Form

Petition to Revive

Page 1 of 12

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Rev. 10/93

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NO. 0752 P. 2

MAY 07 2008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

HIROKO SUZUKI ET. AL.

CASE NO.: AD6892US

APPLICATION NO.: 10/602,216

GROUP ART UNIT: 1771

FILED: MARCH 31, 2008

EXAMINER: TORRES VELAZQUEZ,
NORCA LIZ

FOR: MOISTURE-PERMEABLE, WATERPROOF AND WINDPROOF LAMINATED
SHEET, INTERLINING USING THE SAME, AND GARMENT CONTAINING THE
INTERLINING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the above-captioned application for patent and in support of the
PETITION TO REVIVE, filed on March 31, 2008, please find the AFFIDAVIT OF ARNE R.
JARNHOLM attached hereto.

MAY. 7. 2008 2:13PM

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NO. 0752 P. 10

MAY 07 2008

PTO/SB/21 (01-06)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

Filing Date

First Named Inventor

Hiroko Suzuki, et al.

Art Unit

Examiner Name

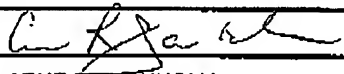
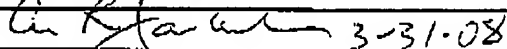
Attorney Docket Number

AD6892USCNT

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Please charge Petition to Revive to E.I. Dupont de Nemours and Company Deposit Account No. 04-1928	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	E. I. DU PONT DE NEMOURS AND COMPANY		
Signature			
Printed name	ARNE R. JARNHOLM		
Date	 3-31-08	Reg. No.	30,396

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Application No.: 12/080116
Docket No.: AD6892USCNT

Page 2

STATE OF DELAWARE)
)
) SS
COUNTY OF NEW CASTLE)

**AFFIDAVIT OF ARNE R. JARNHOLM IN SUPPORT OF PETITION TO REVIVE
UNITED STATES PATENT APPLICATION SERIAL NO. 10/602,216
('216 Application")**

I, Arne R. Jarnholm, the undersigned, hereby state on oath as follows:

1. I was attorney of record in the above-captioned patent application.
2. That the above-captioned patent application was deemed to be abandoned for failure to respond to an Office Action mailed 11 May 2007. (See Notice of Abandonment, attached hereto, mailing date unknown).
3. That the examiner's reasons for abandonment in paragraphs 1 and 7 of the Notice Of Abandonment are correct.
4. That on April 30, 2004, E. I. du Pont de Nemours ("DuPont"), DuPont North America, Inc. (f/k/a Invista, Inc.) Invista Technologies S. a. r. l., a Luxemburg private limited company ("Invista"), entered into a Patent and Technical Information Agreement ("PTIA").
5. That the PTIA required DuPont to offer to assign to Invista certain pending patent applications, which included the '216 Application, before DuPont abandoned those certain pending patent applications.
6. That at the time of abandonment of the '216 Application, it was unknown to the undersigned affiant that Invista had an equitable interest therein via the PTIA.
7. That it was never the intention of the undersigned affiant to abandon Invista's right to title and equitable interest in the '216 Application.
8. That the undersigned affiant regrets the error, made unknowingly by the affiant, of failing to notify Invista and offering to assign to Invista title to the '216 Application before abandonment of the same for failure to respond to the Office Action mailed 11 May 2007.

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Docket No.: AD6892USCNT

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9. Upon information and belief, the undersigned Affiant became aware of Invista's equitable interest in the '216 Application sometime in January of 2008 and notified Invista of the status of the '216 Application.

10. Invista notified the undersigned affiant of its desire for assignment of the '216 Application and it was agreed between counsel for Invista and the undersigned affiant that the undersigned affiant would file this PETITION TO REVIVE the '216 Application and to file a continuation of the '216 application as a Reply to the Office action mailed 11 May 2007.

11. Abandonment of Invista's equitable interest in the '216 Application was a direct result of the undersigned affiant's lack of knowledge of Invista's equitable interest therein and thus the entire delay in filing required reply (in this case a continuation patent application filed on March 31, 2008, which is of even date with this PETITION TO REVIVE, and which has been granted serial number 12/080,116, Filing receipt attached hereto) from the due date until a filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

12. Promptly upon grant of this PETITION TO REVIVE DuPont will assign to Invista title to the '216 Application and the continuation application thereof.

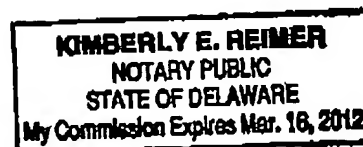
13. DuPont has already assigned to Invista foreign counterparts of the '216 Application (CN, EP (FR, DE, GB, IT, NL), JP, KR and TW) to Invista by Assignment executed April 9, 2008.

FURTHER SAYETH AFFAINT NOT.

Arne R. Jarnholm date 5-07-08
Arne R. Jarnholm

Subscribed and Sworn to before me, Kimberly E. Reimer, a notary public in
and for the State of Delaware and the county of New Castles this 7 day of May,
2008.

Seal



MAY. 7. 2008 2:13PM

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Application No.: 12/080116
Docket No.: AD6892USCNT

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Respectfully submitted,



ARNE R. JARNHOLM
ATTORNEY FOR APPLICANTS
Registration No.: 30,396
Telephone: (302) 992-2394
Facsimile: (302) 992-3257

Dated:
Enclosure

MAY 07 2008

Notice of Abandonment	Application No.	Applicant(s)	
	10/602,216	SUZUKI ET AL.	
	Examiner	Art Unit	
	Norca L. Torres-Velazquez	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 May 2007.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

during a telephonic communication with Arne Jarnholm, abandonment of application was confirmed.

/Norca L. Torres-Velazquez/
Primary Examiner, Art Unit 1771

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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MAY 07-2008

PTO/SB/84 (10-07)

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) AD6892USNA
First named inventor: HIROKO SUZUKI, et al.		
Application No.: 10/602216	Art Unit: 1771	
Filed: June 24, 2003	Examiner: TORRES	
Title: MOISTURE-PERMEABLE, WATERPROOF AND WINDPROOF LAMINATED SHEET, INTERLINING USING THE SAME, AND GARMENT CONTAINING THE INTERLINING		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,540.00</u> (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>continuation application</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/64 (10-07)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Arne R. Jarnholm
Signature
ARNE R. JARNHOLM
Typed or printed name

3-31-08
Date
30,396
Registration Number, if applicable

E. I. DU PONT DE NEMOURS AND COMPANY
Address
Legal Patent Records Center, Barley Mill Plaza 25/1128
Address
4417 Lancaster Pike, Wilmington, DE 19805
Address

(302) 992-2394
Telephone Number

- Enclosures: ☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Continuation application

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

[Page 2 of 2]